

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

RE: MARK ANTHONY EVERHART )  
ADA SERENA VICTORIA EVERHART ) CHAPTER 7  
 ) CASE NO. 06-61360  
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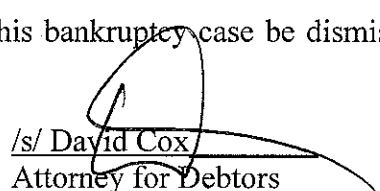
**DEBTORS' MOTION TO DISMISS  
CHAPTER 7 CASE**

The Debtors in the above-mentioned case, by their attorney, pursuant to 11 U.S.C. § 707, hereby move to dismiss their bankruptcy case for the following reasons:

1. A voluntary petition under Chapter 13 of the Bankruptcy Code was filed by the Debtors on September 7, 2006. Said case was converted to a Chapter 7 on January 18, 2008.
2. No complaints objecting to discharge or to determine the dischargeability of any debt have been filed in the case.
3. The Debtors' rented home caught fire five days after their case was converted to a Chapter 7, exposing them to significant claims for property damage that would not be covered by their present Chapter 7 filing.
4. The Debtors seek the dismissal of their Chapter 7 case without prejudice in order to preserve their ability to file a subsequent bankruptcy should they ultimately be found liable for the property damage related to the fire in their home.
5. No creditor has filed a claim in this case.

WHEREFORE, the Debtors pray that this bankruptcy case be dismissed without prejudice.

Date: 03/14/08

  
/s/ David Cox  
Attorney for Debtors

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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE: MARK ANTHONY EVERHART  
ADA SERENA VICTORIA EVERHART  
Debtor(s)

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CHAPTER 13  
CASE NO. 06-61360

**NOTICE OF HEARING**

Please take notice that the attached *DEBTOR'S MOTION TO DISMISS CHAPTER 7 CASE* will be heard on *April 17, 2008, at 9:30 a.m.* in the *U.S. Bankruptcy Court, 1101 Court Street, Lynchburg, Virginia*. Should you object or otherwise wish to be heard, please be present and prepared to protect your interests.

I hereby certify that on the 14th day of March, 2008, a true and correct copy of this notice and pleading was served via first class mail to the Debtor(s), to the Chapter 13 Trustee, and to all affected creditors.

Respectfully submitted,

By:  /s/ David Cox  
Counsel for Debtor(s)

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